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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,912	06/09/2000	Douglas Corning	SCHWB-3200	3491
20350 7590 03/21/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3691	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	09/591,912		CORNING ET AL.	
	Examiner		Art Unit	
	Stefano Karmis		3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5, 9-14, 16, 17 and 38-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 9-14, 16, 17 and 38-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3691

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 31 October 2006.

Status of Claims

2. Claims 1, 14 and 38 are currently amended. Claims 1, 3, 5, 9-14, 16, 17 and 38-42 are currently pending.

Response to Arguments

Applicant's arguments filed 31 October 2006 regarding the teachings of Risberg have been fully considered and are persuasive. Therefore the previous rejection is withdrawn. However, upon further consideration, a new ground(s) of rejection is made as discussed below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3691

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 3, 5, 9-14, 16, 17 and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (hereinafter Matsumoto) U.S. Patent 6,526,285 in view of Scimone et al. (hereinafter Scimone) U.S. Patent 6,647,410 in further view of Kitain et al. (hereinafter Kitain) U.S. Patent 5,864,871.

Regarding independent claims 1 and 14, Matsumoto teaches a method for organizing a plurality of items which are being tracked in a personal organizer device of the type which is capable of exchanging information with a communications center, comprising the steps of:

maintaining a data list in the personal organizer device (column 21, lines 39-61), wherein the data list includes all of the plurality of items being tracked, wherein the plurality of items being tracked is limited to a predetermined number of items (column 26, lines 1-7), and wherein maintaining the data list includes storing information received from the communications center in a memory of the personal organizer device, for each item being tracked (column 23, lines 38-67 and column 26, lines 28-44 and figure 4);

displaying a running total of the number of items in the data list, and displaying the predetermined number of items permitted in the data list (column 26, lines 38-44);

Art Unit: 3691

including in the data list a defined category tag (such as electrical or construction) for each of the plurality of items being tracked (column 20, lines 62-67);

displaying in a sublist associated with a designated category tag all of those items in the data list which have the designated category tag (column 21, lines 39-61);

providing at least two category tags for at least a first one of the plurality of items being tracked (column 25, lines 35-40);

displaying the first one of the plurality of items being tracked in a sublist according to the item being tracked (column 25, lines 11-48 and Figure 5); and

displaying the first one of the plurality of items being tracked in a second sublist associated with a second designated tag (column 25, lines 11-48 and Figure 5).

Matsumoto fails to teach that the defined category tags are defined by the user from the user inputting them into the personal organizer device. Scimone teaches an apparatus and method for delivery and display of information from dynamic and static data sources (Abstract). Scimone teaches that the data can be stored on personal organizer device (column 5, lines 35-55 and column 17, lines 36-49). Scimone teaches that a user can name their own Watch List and Portfolio (column 12, lines 35-50) and that items in the Watch List and Portfolio can be shown in different Master View and Sub Views (column 15, lines 5-19 and column 20, lines 12-35).

Matsumoto teaches that the device has limited storage. Matsumoto in view of Scimone fails to specify limiting the items being tracked to a predetermined and displaying the total number of items being tracked and the predetermined number available to be tracked. Kitain teaches an information delivery system for on-line entitlements to display investor information (Abstract and column 19, lines 47-65). Kitain teaches limiting the display to a predetermined

Art Unit: 3691

number and displaying the total number of items searched for out of the total (column 20, line 52 thru column 21, line 3 and Figure 7). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Matsumoto and include the user defined categories as taught by Scimone because it provides for a user friendly interface that a user can be familiar with when tracking an item. It would have been obvious to one of ordinary skill in the art to modify the teachings of Matsumoto in view of Scimone to include the display teachings of Kitain because it also provides a friendly user interface so that a user can obtain accurate information about the items being tracked.

Claims 3 and 17, wherein a plurality of securities is included among the plurality of items being tracked (column 25, lines 11-48 and Figure 5).

Claims 5 and 16, wherein the personal organizer device is a hand held device (column 4, lines 36-61).

Claim 9, the data maintaining step includes the step of adding new items to the plurality of items being tracked by way of entering an identifier for each new item (column 21, lines 9-38).

Claim 10, the new item adding step includes the step of supplying a category tag for each new item (column 21, lines 9-38).

Art Unit: 3691

Claims 12-13, the displaying step includes the step of including selected information about the items being displayed in the sublist which information includes information received from the communications center and displaying the data list (column 26, lines 38-61 and Figure 5).

Regarding independent claim 38, Matsumoto discloses a method for organizing information for a plurality of securities which are being tracked in a hand held computing device of the type which is capable of exchanging information with a communication center comprising:

- maintaining a data list in the hand held computing device, which includes information of all of the plurality of items being tracked (column 11, lines 33-51 and column 23, lines 51-67);

- transmitting information for all of the plurality of securities being tracked from the communication center to the hand held computing device over a wireless link (column 43, lines 49-64);

- including in the data list at least one category tag for each of the plurality of the securities being tracked (column 20, lines 62-67) wherein a division is specified;

- for at least a first one of the securities being tracked providing at least two category tags (column 25, lines 36-40) wherein the stock may belong to a plurality of industry divisions;

- and displaying in a sublist associated with a designated category tag all of those securities in the data list which have the designated category tag, wherein the first security which has at least two different category tags, will be displayed in at least two different sublists of securities

Art Unit: 3691

based on the at least two category tags provided for the first security (column 25, lines 11-48 and Figure 5).

Matsumoto fails to teach that the defined category tags are defined by the user from the user inputting them into the personal organizer device. Scimone teaches an apparatus and method for delivery and display of information from dynamic and static data sources (Abstract). Scimone teaches that the data can be stored on personal organizer device (column 5, lines 35-55 and column 17, lines 36-49). Scimone teaches that a user can name their own Watch List and Portfolio (column 12, lines 35-50) and that items in the Watch List and Portfolio can be shown in different Master View and Sub Views (column 15, lines 5-19 and column 20, lines 12-35).

Matsumoto teaches that the device has limited storage. Matsumoto in view of Scimone fails to specify limiting the items being tracked to a predetermined and displaying the total number of items being tracked and the predetermined number available to be tracked. Kitain teaches an information delivery system for on-line entitlements to display investor information (Abstract and column 19, lines 47-65). Kitain teaches limiting the display to a predetermined number and displaying the total number of items searched for out of the total (column 20, line 52 thru column 21, line 3 and Figure 7). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Matsumoto and include the user defined categories as taught by Scimone because it provides for a user friendly interface that a user can be familiar with when tracking an item. It would have been obvious to one of ordinary skill in the art to modify the teachings of Matsumoto in view of Scimone to include the display teachings of Kitain because it also provides a friendly user interface so that a user can obtain accurate information about the items being tracked.

Regarding claims 39-42, Matsumoto fails to teach displaying and editing through the use of an edit icon the category tags allowing the user to delete tags, rename tags and navigated selected screens. Scimone teaches an apparatus and method for delivery and display of information from dynamic and static data sources (Abstract). Scimone teaches that the data can be stored on personal organizer device (column 5, lines 35-55 and column 17, lines 36-49). Scimone teaches that a user can name and edit their own Watch List and Portfolio (column 12, lines 35-50) and that items in the Watch List and Portfolio can be shown in different Master View and Sub Views (column 15, lines 5-19 and column 20, lines 12-35). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Matsumoto and include the user defined categories as taught by Scimone because it provides for a user friendly interface that a user can be familiar with when tracking an item.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted

Stefano Karmis

19 March 2007

A handwritten signature in black ink, appearing to be 'Stefano Karmis', written over a horizontal line.